

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of

DIRECTOR, DEPARTMENT OF LABOR  
AND INDUSTRIAL RELATIONS,

Complainant,

and

EXCLUSIVE ISLAND ROOFING,

Respondent.

CASE NO. OSH 2011-9

ORDER NO. 436

PRETRIAL ORDER

PRETRIAL ORDER

Pursuant to the initial conference/settlement conference in this matter held by the Hawaii Labor Relations Board (Board) on May 26, 2011 and attended by Herbert B.K. Lau, Deputy Attorney General, for Complainant,<sup>1</sup> IT IS HEREBY ORDERED THAT:

- A. The issue to be determined at trial is:

Citation 1, Item 1: 29 CFR 1926.501(b)(13)

Whether the penalty of \$2,000 resulting from Citation 1, Item 1, of Inspection No. 313081382, was valid and proper.

- B. The deadline for the parties' final naming of witnesses is **July 1, 2011**. Each party shall provide a list of the names of witnesses it plans to call at trial, along with each witness's addresses and the general subject to which the witness will testify, to the other party and to the Board by this date.

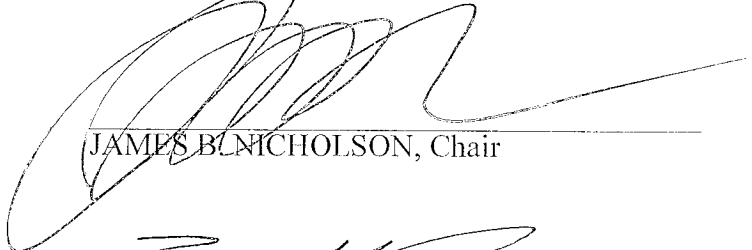
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<sup>1</sup>In the Notice of Initial Conference/Settlement Conference, dated March 28, 2011, the Respondent's representative was instructed to telephone the Board for the initial conference/settlement conference. Respondent's representative did not telephone the Board at the designated time and the Board was unsuccessful in contacting Complainant after several attempts. As Complainant's counsel indicated that the parties had engaged in settlement discussions, the Board proceeded to conduct the initial conference/settlement conference.

- C. The parties may engage in discovery without prior motion or showing of good cause. The discovery cutoff date is August 10, 2011. The discovery cut-off is the date by which all responses to written discovery, including requests for admissions, shall be due and by which all depositions shall be concluded. The parties are advised to initiate discovery requests and notice depositions sufficiently in advance of the cut-off date to comply with this requirement.
- D. Trial in this matter is scheduled for September 21, 2011 at 9:00 a.m. in the Board's hearing room located at 830 Punchbowl Street, Room 434, Honolulu, Hawaii, 96813. The trial may be continued by the Board until completed.
- E. Hereafter, this Pretrial Order shall control the course of proceedings and may not be amended except by consent of the parties and the Board, or by order of the Board.

DATED: Honolulu, Hawaii, May 31, 2011.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



NORMAN K. KATO II, Member

NOTICE TO EMPLOYER

You are required to post a copy of this Order at or near where citations under the Hawaii Occupational Safety and Health Law are posted at least five working days prior to the trial date. Further, you are required to furnish a copy of this Order to a duly recognized representative of the employees, if any, at least five working days prior to the trial date.

Copies sent to:

Herbert B.K. Lau, Deputy Attorney General  
David Allen